

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** December 4, 2007

Agenda Item No. 12(B)1

**To:** Honorable Chairman Bruno A. Barriero and  
Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

**Subject:** Quarterly Report: Authorized Negotiations and Settlements of Enforcement Actions  
against Miami-Dade County resulting from the Operation of the County's Water and  
Sewer System

On July 18, 2006, the Board of County Commissioners (Board) approved Resolution R-874-06 authorizing the County Manager or his designee to negotiate and settle enforcement actions or notices of violation not to exceed \$10,000 brought by the State of Florida or the United States against Miami-Dade County resulting from the operation of the County's water and sewer system. This resolution requires that these negotiations and settlements be presented to the Board for ratification.

Since the last report presented to the Board on July 10, 2007, the Miami-Dade Water and Sewer Department (MDWASD) has entered into one (1) settlement with the Florida Department of Environmental Protection (FDEP), requiring a total payment of \$10,000 in penalties and expenses. A copy of the fully executed and filed Consent Order is attached.

In this settlement, Consent Order File Number OGC 07-1185, MDWASD agreed to pay \$9,500 in penalties plus \$500 for administrative costs and expenses incurred by the FDEP. This settlement was for five (5) unauthorized discharges of wastewater from the sewage collection and transmission system that occurred on the following dates: November 1, 2006; February 9, April 3, April 5 and April 10, 2007. One (1) discharge was related to a deteriorated sanitary and storm sewer conflict structure, three (3) were related to split and damaged air release valve riser pipes and one (1) discharge was the result of a sewage force main break that occurred during a MDWASD excavation.

MDWASD will continue to keep the Board apprised of any other settlements of enforcement actions brought against Miami-Dade County resulting from the operation of the County's water and sewer system.

  
Assistant County Manager



# Florida Department of Environmental Protection

Southeast District  
400 N. Congress Avenue, Suite 200  
West Palm Beach, Florida 33401

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

JUL 11 2007

**CERTIFIED MAIL #7006 2760 0005 5726 6975**  
**RETURN RECEIPT REQUESTED**

**RECEIVED**  
JUL 16 2007

Mr. John Renfrow, Director  
Miami-Dade Water and Sewer Department  
P.O. Box 330316  
Miami, FL 33233-0316

DW-DADE COUNTY  
ASSISTANT DIRECTOR  
STORY COMPLIANCE & PLANNING  
& Sewer Department

SUBJECT: Proposed Settlement of DEP vs. Miami-Dade Water and Sewer Department  
OGC No. 07-1185

Dear Mr. Renfrow:

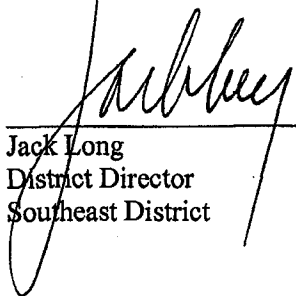
The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated May 09, 2007, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matter identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$9,500.00, along with \$500.00 to reimburse the Department costs, for a total of \$10,000.00.

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Water Facilities Compliance/Enforcement, 400 North Congress Ave., Suite 200, West Palm Beach, Florida, 33401, within 30 days of the execution of this letter.

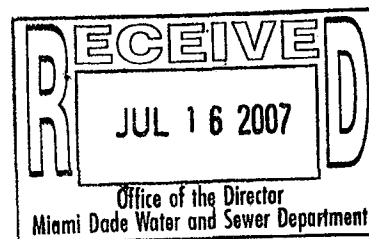
Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department which shall be enforceable pursuant to Section 120.69 and 403.121, Florida Statutes.

If you do not sign and return this letter to the Department at the District address within 30 days of your receipt of this letter, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,

  
\_\_\_\_\_  
Jack Long  
District Director  
Southeast District

7/10/07  
\_\_\_\_\_  
Date

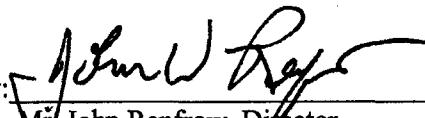


**FOR THE RESPONDENT:**

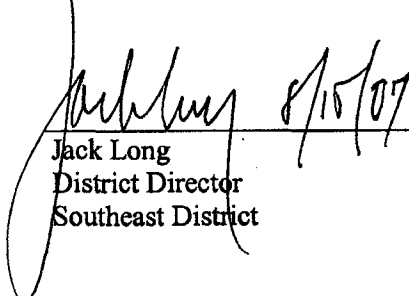
I, John Renfrow, on behalf of Miami-Dade Water and Sewer Department ,

**HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

FOR THE RESPONDENT:

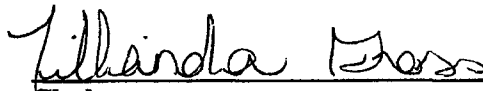

By:  7-26-07  
Mr. John Renfrow, Director Date  
Miami-Dade Water & Sewer Department

FOR THE DEPARTMENT:

 8/15/07  
Jack Long Date  
District Director  
Southeast District

DONE AND ENTERED this 15 day of August, 2007 in West Palm Beach, Florida.

**FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.**

  
Clerk  
  
JL/LAB/TRB/mp

8/15/07  
Date

Attachment: Warning Letter #WL 07-0062 DW 13 SED

Copies furnished to:

Agustin Socarras, Miami-Dade County DERM  
Mike Tanski, DEP / Tallahassee  
David O'Brien, DEP / Tallahassee  
Tim Powell, DEP / W.P.B.

SocarA@miamidade.gov  
Mike.Tanski@dep.state.fl.us  
David.O'Brien@dep.state.fl.us  
Tim.Powell@dep.state.fl.us

### NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
Southeast District

**PENALTY COMPUTATION WORKSHEET**

Violator's Name: Mr. John Renfrow, Director

Identify Violator's Facility: Miami-Dade Water and Sewer Department. (OGC File Number 07-1185)

Name of Department Staff Responsible for the Penalty Computations: Todd R. Brown & George Bobick

Date: July 5, 2007

**PART I - Penalty Determinations**

	Violation Type	ELRA Schedule	Potential for Harm	Extent of Dev.	Matrix Amount	Multi-day	Adjustments	Total
1	Unauthorized Wastewater discharge of 11,000 gal Date-11/01/2006	\$2,000.00						\$2,000.00
2	Unauthorized Wastewater discharge of 44,685 gal. Date 2/09/2007	\$2,000.00						\$2,000.00
3	Unauthorized Wastewater discharge of 44,640 gal. Date- 4/03/2007	\$2,000.00						\$2,000.00
4	Unauthorized Wastewater Discharge of 27,900 gal. Date 4/05/2007	\$2,000.00						\$2,000.00
5	Unauthorized Wastewater Discharge of 4,560 gal. Date- 4/10/2007	\$2,000.00					(\$500)	\$1,500.00

Total Penalties for All Violations:

\$9,500.00

Department Costs & Expenses:

\$500.00

**TOTAL:**

\$10,000.00

Jack Long  
District Director  
Southeast District

Date

7/10/07

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**PART II - Multi-day Penalties and Adjustments**

Dollar Amount

1. Good faith/Lack of good faith prior to discovery: \_\_\_\_\_ \$ \_\_\_\_\_  
Justification: \_\_\_\_\_
2. Good faith/Lack of good faith after discovery: \_\_\_\_\_ \$ \_\_\_\_\_  
Justification: \_\_\_\_\_
3. History of Non-compliance: \_\_\_\_\_ \$ \_\_\_\_\_  
Justification: \_\_\_\_\_
4. Economic benefit of non-compliance: **Economic benefit considered, but not applicable in this case.** \$ \_\_\_\_\_  
Justification: \_\_\_\_\_
5. Ability to pay: \_\_\_\_\_ \$ \_\_\_\_\_  
Justification: \_\_\_\_\_

**MULTI-DAY PENALTIES**

Dollar Amount

Number of days adjustment factor(s) to be applied: \_\_\_\_\_  
Justification: \_\_\_\_\_  
\_\_\_\_\_  
OR  
Number of days matrix amount is to be multiplied: \_\_\_\_\_  
Justification: \_\_\_\_\_  
\_\_\_\_\_  
Total Adjustments: \_\_\_\_\_

**Part III - Other Adjustments Made After Meeting with the Responsible Party**

**ADJUSTMENT**

Dollar Amount

Relative merits of the case: \_\_\_\_\_

Resource considerations: \_\_\_\_\_

Other justification: 4/10/2007 spill relatively small quantity (\$500)

\_\_\_\_\_  
\_\_\_\_\_  
Total Adjustments: (\$500)

Jack Long  
District Director  
Southeast District

Date

7/10/07

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